

Interview Summary

Application No.	09/852,497	Applicant(s)	VIGIL ET AL.
Examiner	YOUNG	Group Art Unit	3622

All participants (applicant, applicant's representative, PTO personnel):

- (1) ERIC STAMBER (SPE)
(2) TOD MELGAR (APPLICANT'S REP.)

Date of Interview 6/18/04Type: Telephonic Personal (copy is given to applicant applicant's representative).Exhibit shown or demonstration conducted: Yes No. If yes, brief description:Agreement was reached. was not reached.Claim(s) discussed: 1 (REPRESENTATIVE)

Identification of prior art discussed:

SMALL, DERAFUEL ET AL., VON KOHORN

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

SEE ATTACHED

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1. It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2. Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

Attachment to Interview Summary of 6/10/04

1. Discussed non-final Office action of 3/15/04.
2. Initial discussion focused on the nonstatutory subject matter rejection under 35 USC 101 as not being in the technological arts. Since all of the steps of the method claims are intended to be performed with the use of a computer, the addition of applicant suggested language along the lines of "using a microprocessor based interactive media system" to at least one of the method steps would put the claim in the technological arts, thus removing the rejection.
3. Discussion then shifted to the rejection under 35 USC 103 as being obvious over Small in view of DeRafael et al. and Von Kohorn. Mr. Vigil described the instant claims as presenting ads to viewers and rewarding them for viewing, through offering them a random, fleeting opportunity while viewing the ads to enter to win a prize. The prior art (DeRafael and Von Kohorn) was categorized by applicant as requiring answers to questions, thus guaranteeing viewers attention; it was also stated that Von Kohorn set no time limit and could be infinite. SPE Stamber admitted that the combination, as written, was confusing and did not teach the claimed limitations. Discussion focused on column 48 lines 18-42 of Von Kohorn when the SPE stated that it was the best of the three references. The SPE also stated that, while the reference did not specifically disclose how long the question was visible following the commercial, that it is inherent in the television industry that commercial breaks are of a fixed, limited period time between programming segments and that the question would be visible following the commercial to which it applies until programming continued (the claimed "fleeting opportunity").
4. It was agreed that applicant did not have to submit a response to the outstanding Office action of 3/15/04, but instead that the application would be reassigned to a different examiner and that examiner would issue a new Office action by the middle of July '04.